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PROFESSIONAL CONDUCT AND ADVOCACY.*

We have great pleasure in commending to the legal profession a recent valuable publication by the Madras Bar Council on Professional Conduct and Advocacy. The book is a reproduction of a series of lectures delivered on the invitation of the Bar Council, in November 1939, to the Apprentices-at-Law of the year, by Rao Bahadur K. V. Krishnaswami Aiyar, a leading member of our Bar and a member of our Editorial Board. The book has every claim to be regarded as an authoritative exposition of the various problems pertaining to the practice of the legal profession.

The lecturer has carefully avoided the role of a pulpit-orator delivering a sermon but has proceeded throughout as a true guide to the new entrants into an already overcrowded profession. The plan and arrangement of the subjects are well laid out and the treatment is clear and lucid. In the analysis of the intricate problems which must be faced by the young lawyer the lecturer has displayed a clarity of vision and a mastery of detail born of his rich and varied experience. His answers and wise guidance in regard to many points may be said indeed to be the last word thereon.

The young lawyer is given a practical outlook on his profession with a keen eye to his moral and material well-

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being. The book can well be regarded as the young lawyer's 'Bible.' If indeed the young lawyer imbibes the ideas and ideals of the lecturer, he cannot fail to make a mark in the profession.

On some of the difficult questions of professional propriety the lecturer has given practical answers, though different views may be possible. On the question as to the stipulation of a contingent fee the lecturer has expressed himself against it, though Mr. Justice Sundara Aiyar would make an exception in the case of poor clients with heavy causes. In the higher interests of the profession the lecturer has not hesitated to differ from the learned Judge. The question as to whether a lawyer can defend a criminal whom he knows or has reason to believe to be guilty of the charge against him is as old as the profession itself on which different views have been expressed. The lecturer rightly takes the view that public interest demands that no practitioner shall decline to accept a retainer offered on behalf of the accused, though as regards civil cases the better opinion, according to him, is that the practitioner is under no similar obligation unless the refusal of the retainer would lead to injustice.

The recent decision of the House of Lords in *Myers* v. *Elman*[1], seems to introduce complications in the distinctive relations of a lawyer towards his clients on the one side and the Court on the other, and requires careful examination.

The charm and simplicity of the style is another remarkable feature of these lectures.

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1. (1940) A.C. 283.